



## **PLANNING DIRECTOR'S HEARING AGENDA**

**WEDNESDAY, APRIL 11, 2007**

9:00 a.m.  
City Council Chambers  
City Hall

200 East Santa Clara Street  
San Jose, California 95113-1905

### **Hearing Officers**

**Susan Walton, Principal Planner**

**Mike Enderby, Acting Principal Planner**

**Joseph Horwedel, Director  
Planning, Building, and Code Enforcement**

## NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE), 294-9337 (TTY) at least two days, (48 hours) before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

## NOTICE TO THE PUBLIC

Good morning, this is the Planning Director's Hearing of **April 11, 2007**. My name is \_\_\_\_\_ and I am the Hearing Officer for today's agenda. On behalf of the Planning Director, I would like to welcome you to this Public Hearing. Please remember to turn off all cell phones and pagers. A copy of the agenda is available on the table by the door for your convenience. A validation machine is available up the stairs at the rear of these chambers for parking tickets for the garage underneath City Hall.

The procedure for this hearing is as follows:

- Hearing Officer will identify the project as described on the agenda
- Staff report
- After the staff report, applicant and/or representative will have up to 5 minutes to speak and should make themselves known as their item comes up by approaching the microphone and identifying themselves and stating their home address, or just wave from the audience if you do not wish to speak
- Public testimony of up to 2 minutes, either for or against the project. Please state name and home address for the record
- After the public testimony, the applicant may make closing remarks of up to 5 minutes
- The Hearing Officer may ask questions of the speaker
- The public hearing will then be closed and the Hearing Officer will take action on the item. The Hearing Officer may request staff to respond to the public testimony, ask staff questions, and discuss the item

**If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.**

**The Planning Director's action on these agenda items is final when the permit is signed and mailed, unless the permit is appealed.** The Planning Director's actions are appealable in accordance with the requirements of Title 20 of the Municipal Zoning Code.

**Note:** If you have any agenda changes, please contact Xochitl Lopez ([xochitl.lopez@sanjoseca.gov](mailto:xochitl.lopez@sanjoseca.gov)).

## **AGENDA**

### **ORDER OF BUSINESS**

#### **1. DEFERRALS**

Any item scheduled for hearing this morning for which deferral is being requested will be taken out of order, to be heard first on the matter of deferral. A list of staff recommended deferrals is available on the table. I will identify the items to be deferred and then ask for comments from the audience. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time. I will now open the public hearing. The following items are proposed to be deferred.

**The matter of deferrals is now closed.**

#### **2. CONSENT CALENDAR**

##### **NOTICE TO THE PUBLIC**

The consent calendar items are considered to be routine and will be considered together. There will be no separate discussion of these items unless a request is made by the Director of Planning, staff, or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. **TR07-036. Tree Removal Permit** to allow removal of one Ash tree, 61 inches in circumference, on a 0.11 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the south side of Beegum Way approximately 890 feet easterly of Lean Avenue (222 BEEGUM WY) (Vatahov Petre H And Vatahova Vassilka R, Owner). Council District 2. CEQA: Exempt.  
(Project Manager: Tracy Chu)
- b. **TR07-010. Tree Removal Permit** to remove one Elm tree 65 inches in circumference, two Mexican Fan Palm trees 79 and 82 inches in circumference, one Pine tree 75 inches in circumference, and to legalize the removal of two Valley Oak trees 207 and 214 inches in circumference and one California Pepper tree 75 inches in circumference on a 17 gross acre site in the R-MH Mobilehome Park Zoning District, located at the Rancho Santa Teresa Mobile Estates, Edenvale Avenue across from Red River Way (5101 MONTEREY RD) (Rancho Santa Teresa Llc Etal, Owner). Council District 2. CEQA: Exempt.  
(Project Manager: Tracy Chu)
- c. **PT05-090. Planned Development Tentative Map Permit** to subdivide four parcels into 11 lots for ten (10) single-family attached residences and one common lot on a 0.47 gross acre site in the A(PD) Planned Development Zoning District, located at the northwest corner of Almaden Avenue and West Virginia Street (777 Almaden Avenue) (Tsang David D and Cathy C, Lucia Wu, Owner). Council District 3. SNI: Washington. CEQA: Mitigated Negative Declaration, PDC02-057.  
(Project Manager: Lesley Xavier)

- d. **TR07-043. Tree Removal Permit** to remove one Eucalyptus tree, 128 inches in circumference, located on a single family detached residential lot in the R-1-5 Single-Family Residence Zoning District, located on the south side of Suncrest Avenue 470 feet southeasterly of the intersection of Perie Lane and Suncrest Avenue (3856 Suncrest Avenue) (Lin, Dave Et Al, Owner). Council District 4. CEQA: Exempt.  
(Project Manager: Steven Rosen)
- e. **TR07-041. Tree Removal Permit** to remove one Schinus Molle tree, approximately 53 inches in diameter as measured 4.5 feet above grade, on a 0.04 gross acre site located on the south side of West Julian St , approximately 110 feet east of Morrison Avenue (936 West Julian Street) (Jacobs Rolf D Et Al, Owner) in the CO- Commercial Office zoning district. Council District 6. CEQA: Exempt.  
(Project Manager: Rabekah Ross)
- f. **TR06-183. Tree Removal Permit** to legalize the removal of one Monterey Pine Tree 76 inches in circumference on a 0.27 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 1232 Avis Drive (Lucgjonaj Nick, Owner). Council District: 6. CEQA: Exempt.  
(Project Manager: Tracy Chu)
- g. **PDA90-021-04. Planned Development Permit Amendment** to remove seven Sycamore trees and two Pear trees on a 66.7 gross acre site in the R-1-1(PD) Planned Development Zoning District, located on the northwest corner of Wine Valley Cl (8895 WINE VALLEY CL) (Thamann T F Trustee & Et Al, Owner). Council District 8. CEQA: Exempt.  
(Project Manager: Tracy Chu)
- h. **TR06-184. Tree Removal Permit** to allow the removal of two ordinance sized Coastal Redwood trees in the R-1-8 Single-Family Residence Zoning District, located at 1941 McDaniel Avenue (James David T Trustee, Owner). Council District 6. CEQA: Exempt.  
(Project Manager: Tracy Chu)
- i. **SP06-082 Special Use Permit** to demolish two existing single-family residences and construct 7,821 square feet of commercial uses including an alternate parking arrangement and site improvements for an existing restaurant on a 1.0 gross acre site in the CP Commercial Pedestrian Zoning District, located on the northwest corner of South White Road and Story Road (1075 and 1085 South White Road) (DE LA TORRE PROPERTIES, LLC Owner). Council District 5. SNI: East Valley/680 Communities. CEQA: Exempt.  
(Project Manager: Hadasa Lev)
- j. **PD06-040. Planned Development Permit** to demolish an existing single-family residence and construct 14 single-family attached residential units and 7,664 sq.ft. commercial spaces on a 0.62 gross acre site in the A(PD) Planned Development Zoning District, located on the east side of South King Road, 300 feet northerly of East San Antonio Street (150 S KING RD) (Nguyen Tam T And Toan A, Owner). Council District 5. SNI: Mayfair. CEQA: Re-use of Negative Declaration.  
(Project Manager: Hadasa Lev)

- k. **TR07-032. Tree Removal Permit** to remove one Willow tree, approximately 76 inches in circumference, in the front yard of a single family lot in the R-1-8 Single-Family Residence Zoning District, located on the South side of Wooded Lake Drive, 170 feet Southwest of Rimrock Drive (7060 Wooded Lake Drive) (Peter R . and Dianne B. Benson, Trustee(s), Owner). Council District 10. CEQA: Exempt  
(Project Manager: Rachel Roberts)
- l. **SP07-015. Special Use Permit** to construct an approximately 75 sq.ft. addition to an existing single-family residence and an approximately 1012 sq.ft. garage on a 0.23 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the west side of Settle Avenue, approximately 670 feet north of Minnesota Avenue (1287 Settle Avenue) (William Mulligan Trustee, Owner). Council District 6. SNI: None. CEQA: Exempt  
(Project Manager: Reen Mathew)
- m. **SP07-011. Special Use Permit.** to demolish an existing single-family residence, listed as an Identified Structure in the Hester/Hanchett Conservation Area, in order to allow a new, approximately 2,256 square-foot single-family residence with tandem parking located on the southeast side of Magnolia Avenue, approximately 590 feet southwesterly of The Alameda (1204 Magnolia Avenue). (Feliciano Brito, owner) Council District 6. SNI: None. CEQA: Exempt.  
(Project Manager: Avril Baty)
- n. **PDA05-058-01. Planned Development Permit Amendment** to remove a condition of approval regarding the percentage of storm water runoff from the site that shall be treated by bioretention swales from the previously approved Planned Development permit in the A(PD) Planned Development Zoning District, located on the northwest corner of the intersection of Monterey Road and Curtner Avenue (WPV San Jose LLC, Owner). Council District 7. SNI: None. CEQA: Addendum to EIR.  
(Project Manager: Reena Mathew)

The consent calendar is now closed.

### 3. **PUBLIC HEARING**

- a. **PDA74-014-01. Planned Development Amendment** to allow the removal of three dying Monterey Pine trees and to erect new fence adjacent to the park on a 12.3 gross acre site in the R-1-8(PD) Planned Development Zoning District, located at/on the South side of Roy Av 780 ft easterly of Lincoln Av, APN 43958C01 (Lincoln Village Homeowner'S Association, Owner). Council District 6. SNI: None. CEQA: Exempt. Continued from 03/28/07.  
(Project Manager: Martina Davis)
- b. **PD06-067. Planned Development Permit** to allow modifications to two residential units (one historic single-family detached residence and one studio apartment above a five car garage) and other site improvements as required per the approved A(PD) Planned Development Zoning District (File No. PDC06-028) on a 0.29 gross acre site located on the east side of Bird Avenue approximately 200 feet north of Willow Street (1070 BIRD AV) (Dreyer Norman P Trustee, Owner) in the A(PD) Planned Development Zoning District. Council District 6. SNI: None. CEQA: Exempt.  
(Project Manager: Rebekah Ross)

- c. **TR07-019. Tree Removal Permit** to legalize the removal of four ordinance-size trees: one Poplar (94-inches in circumference); one Mexican Fan Palm (79-inches in circumference); one Redwood (75-inches in circumference); and one Redwood (207-inches in circumference) on a 24.89 gross acre site in the R-MH Mobilehome Park Zoning District, located on the southeast corner of US-101 and E. Capitol Expressway (1520 E CAPITOL EX) (Silver Creek Estates, Llc, A Ca Llc, Owner). Council District 8. CEQA: Exempt.  
(Project Manager: Tracy Chu)
- d. **TR06-236. Tree Removal Permit** to allow removal of one Evergreen Ash Tree 57 inches in circumference on a 0.13 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the Northeast corner of Curie Dr and Camino Verde Dr (333 CURIE DR) (Peter W Kanas, Owner). Council District 2. CEQA: Exempt.  
(Project Manager: Suparna Saha)
- e. **SP06-079. Special Use Permit** to demolish an existing gasoline service station and all related improvements, including the removal of three non-ordinance trees, a 0.35 gross acre site in the CP Pedestrian Commercial Zoning District, located on the southwest corner of Meridian and Foxworthy Avenues (CHEVRON USA INC) (1656 FOXWORTHY AV) (Turner Geoffrey H And Janet C Trustee & Et, Owner). Council District 9. SNI: None. CEQA: Exempt.  
(Project Manager: Suparna Saha)

This concludes the Planning Director's Hearing for April 11, 2007. Thank you.

PLANNING DIRECTOR'S AGENDA ON THE WEB:  
<http://www.sanjoseca.gov/planning/hearings/default.asp>  
PUBLIC INFORMATION COUNTER  
(408) 535-7800 CITY OF SAN JOSE